

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-360-S - ORDER NO. 2009-83  
FEBRUARY 25, 2009

IN RE: Happy Rabbit, LP on Behalf of Windridge	)	ORDER SUSPENDING
Townhomes,	)	TESTIMONY
Complainant	)	DEADLINES AND
	)	APPOINTING HEARING
v.	)	OFFICER
	)	
Alpine Utilities, Inc.,	)	
	)	
Respondent.	)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Motion to Suspend Testimony Deadlines filed January 28, 2009, by Alpine Utilities, Inc. (“Alpine”) and on the Commission’s Motion to appoint a Hearing Officer in the present complaint proceeding of Happy Rabbit, LP on behalf of Windridge Townhomes (“Happy Rabbit”) against Alpine.

By letter of the Commission’s Docketing Department, dated December 22, 2008, the dates for filing testimony in this docket were set forth, and the parties to the proceeding were notified of such dates. According to this scheduling order, Alpine’s direct testimony and exhibits were to be filed on or before February 10, 2009. Alpine moves for the Commission to suspend the February 10, 2009 date upon which Alpine’s direct testimony in this matter is due to discovery issues pending between the parties.

We have examined the Motion of Alpine and grant its Motion. In order to protect the interests of all parties, we find that a suspension of all testimony deadlines is necessary.

As to the Commission's Motion for appointment of a Hearing Officer, the Commission hereby appoints Joseph M. Melchers, Chief Counsel, to serve as a Hearing Officer in order to expedite the process of developing a new procedural schedule in this proceeding. The Hearing Officer may dispose of procedural and evidentiary matters pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2008).

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience. We find Joseph M. Melchers meets this qualification. As hearing officer in this proceeding, we direct Mr. Melchers to rule on appropriate matters in the case and dispose of procedural and evidentiary matters.

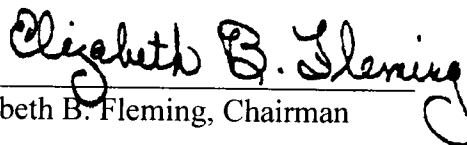
IT IS THEREFORE ORDERED THAT:

1. The current procedural schedule in the pending proceeding of Happy Rabbit, LP on behalf of Windridge Townhomes v. Alpine Utilities, Inc. is hereby suspended.

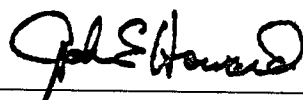
2. Joseph M. Melchers is hereby appointed as Hearing Officer in this docket for disposition of procedural and evidentiary matters and to determine an amended schedule for the parties.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
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John E. Howard, Vice Chairman  
(SEAL)